D.B. CIVIL SPECIAL APPEAL (W) NO.611/2004

Manoj Kumar Jain **Vs.** The State of Raj. & Ors.

Date : 25.04.2007

PRESENT

HON'BLE MR. JUSTICE RAJESH BALIA
HON'BLE MR. JUSTICE BHANWAROO KHAN

Mr. V.N. Kalla for the appellant.
Mr. L.R. Upadhyay, Dy. Government Advocate.
Mr. D.N. Yadav for the respondents.

The appellant in this case, who was selected and appointed as a Teacher Grade III, had obtained his B.Ed. Degree from R.A. College of Education, Kunjeri affiliated to B.N. Mandal University, Madhyapura, Bihar. B.Ed. is essential eligibility qualification to hold the post.

Having noticed the cancellation of B.Ed. Degree held by the petitioner-appellant ,by the parent university his services had been terminated by the impugned order in the writ petition. The writ petition has been dismissed by judgment under appeal. The cancellation of degree by the B.N. Mandal University in respect of candidates from the aforesaid affiliated institution is stated to be as a result of decision of Patna High Court by a learned Single Judge of that Court.

During the pendency of the writ petition, status quo was maintained and status quo as was existing on the date of passing of the order dated 15.7.2002 was also maintained by the Court while

admitting the special appeal. In these circumstances, the petitioner is continuing in services.

It has been brought to our notice that the order of learned Single Judge directing cancellation of degree obtained by the candidates from the R.A. B.Ed. College of Education, Kunjeri had since been affirmed by the Division Bench in LPA No.453/2001 along with 19 other cases vide judgment of Patna High Court dated 5th January, 2007, the recognisation of degree obtained from R.A. B.Ed. College affiliated to B.N. Mandal University, Madhyapura, Bihar stands cancelled even as per the Bench decision of Patna High Court.

In view thereof, there is no escape from the conclusion that the petitioner appellant does not have the requisite qualification for continuing to hold the post of Teacher Grade III for which B.Ed. Degree is an essential qualification.

Accordingly, this appeal fails and is hereby dismissed.

[BHANWAROO KHAN], J. [RAJESH BALIA], J.

babulal/